

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN THOMAS III,

Plaintiff,

v.

CIVIL NO.: 09-13397

HON. LAWRENCE P. ZATKOFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Defendant's motion for summary judgment, which was filed after Plaintiff filed a complaint challenging Defendant's decision to deny Plaintiff Social Security disability benefits. The Court is also in receipt of Magistrate Judge R. Steven Whalen's Report and Recommendation, wherein the Magistrate Judge recommends that: (1) Plaintiff's cause of action be dismissed with prejudice for failure to prosecute, or (2) in the alternative, (2) Defendant's Motion for a Summary Judgment be granted. Plaintiff has filed an objection to the Report and Recommendation.

After a thorough review of the court file and the Report and Recommendation and the objections to the Report and Recommendation filed by Plaintiff, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Accordingly, the Court hereby ORDERS that: (1) Defendant's Motion for Summary Judgment is GRANTED, and (2) Plaintiff's cause of action is hereby DISMISSED WITH PREJUDICE. Judgment shall be entered accordingly.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 23, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 23, 2012.

s/Marie E. Verlinde
Case Manager
(810) 984-3290